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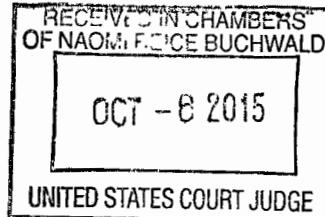


MEMO ENDORSED

October 5, 2015

By ECF and Facsimile ((212) 805-7927)

Honorable Naomi R. Buckwald  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



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Re: Tommy Simmon v. City of New York et al., 15CV3489(NRM)  
**Second Joint Status Letter**

Your Honor:

I am counsel for Plaintiff Tommy Simmon. On June 4, 2015, the Parties submitted a joint request to stay this matter pending the open investigations conducted by the Bronx District Attorney's Office and the Inspector General's Office regarding the incident underlying the Complaint. On June 8, 2015, the Court endorsed this request and the case has since been stayed.

A joint status letter was submitted by the Parties on August 6, 2015 seeking to update the Court within the first 60 days of the stay regarding the status of the joint investigation conducted by the Bronx District Attorney's Office and the Inspector General's Office. At that time both agencies were in the middle of their respective investigations. The Parties indicated that they would submit a second status letter 60 days from that date.

The parties now submit a second status letter seeking to update the Court on the joint investigation conducted by the Bronx District Attorney's Office and the Inspector General's Office. Assistant District Attorney David E. Baumwoll is in charge of the investigation conducted by the Bronx District Attorney's Office. He indicated to the Parties today, October 5, 2015, that his investigation will be concluded within 30 days. As a final matter, ADA Baumwoll is seeking to contact and interview Plaintiff's treating physicians. The Inspector General's investigation is still open and waiting clearance from the criminal investigation conducted by Bronx District Attorney's Office before they can conclude their administrative investigation.

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It is therefore, respectfully requested that the case continue to be stayed pending the above mentioned investigations. The Parties will further update the Court regarding the conclusion of the pending investigations within 60 days of this date.

Thank you for your consideration in this regard.

So Ordered.  
Kaitlin Nares  
Fischer & Byralsen PLLC  
10/7/15

Respectfully submitted,

/s/

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